

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Hull,

Civil No. 05-1276 (DWF/AJB)

Plaintiff,

v.

ORDER

Daniel Mohs and The Stokely Group. LLC,

Defendants.

James Hull, *Pro Se*, Plaintiff.

Barry A. O'Neil, Esq., Lommen Nelson Cole & Stageberg, PA, counsel for Defendant.

This matter is before the Court upon Plaintiff's objections to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated December 8, 2005, recommending that: (1) Defendants' motion to dismiss be granted; (2) Plaintiff's motion in opposition to Defendants' motion to dismiss be denied as moot; and (3) Plaintiff's motion to amend the complaint be denied.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff James Hull's objections (Doc. No. 32) to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated December 8, 2005, are **DENIED**.

2. Magistrate Judge Arthur J. Boylan's Report and Recommendation dated December 8, 2005 (Doc. No. 28), is **ADOPTED**.

3. Defendants' motion to dismiss (Doc. No. 4) is **GRANTED**.

4. Plaintiff's motion in opposition to defendants' motion to dismiss (Doc. No. 9) is **DENIED AS MOOT**.

5. Plaintiff's motion to amend the complaint (Doc. No. 24) is **DENIED**.

Dated: January 30, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court